

Appl. No. 10/536,972
AMENDMENT of March 19, 2009
Reply to Office Action of December 19, 2009

Remarks/Arguments

This amendment responds to the Office Action of December 19, 2008, in accordance with 37 C.F.R. § 1.116. Reconsideration of this application is respectfully requested.

Claims 1 through 104 are pending in the application. Claim 5 is amended by this response. Claim 105 is added by this response. Claims 1 through 4 are canceled. Claims 28 through 104 are withdrawn.

No additional fee is believed to be due. If a fee is due, it may be charged to Deposit Account Number 12-1210.

1. Rejection of Claims 1 through 19 under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 through 19 under 35 U.S.C. § 103(a) as being unpatentable over Mockesch (U.S. Patent No. 4,256,150) in view of Sonoco (GB 2210865) and Sieger (DE 3922779). The Applicants traverse this rejection and request reconsideration. Mockesch discloses injecting compressed gas into the tank 1 through the fitting 11. After injecting the compressed gas into the tank, beer is introduced into the fitting 10 through the pipe 15. The beer flows into the plastic bag 12 against the pressure in the pressure tank 1 and forms a liquid bed 14 whose surface is covered with the sheeting of which the plastic bag 12 is made. As filling of the tank continues, the plastic bag 12 is pulled steadily farther out of the jacket 13, assurance being provided that the plastic bag 12 will not form folds under the liquid bed 14. (Mockesch, column 3 at lines 3 through 12.) The Applicants assume Mockesch uses the pressurized gas during the filling of the tank to assist in properly unfolding the plastic bag. This

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use is in contrast to the Applicants' invention.

The Applicants' invention has a third passageway with a third valve. The third valve permits air to be removed from the keg container as the bag is inflated and permits for pressurized air to be forced into the container and act against the bag to facilitate beverage dispensing. (Specification, page 3 at lines 24 through 30.) The beer is not introduced into the tank against the force of pressurized gas as in Mockesch. Unlike Mockesch, a supply of pressurized air is provided through the third valve during beer dispensing. The pressurized air is forced against the outer surface of the bag to push or force beer out along a spear through a separate valve connecting the spear and the tap, and out the tap. (Specification, page 11 at line 33 through page 12 at line 6.)

The Applicants amended claim 5 to clarify that applying a gas under pressure into the container against the bag is during beverage dispensing to facilitate dispensing of the beverage from the bag. (Amended claim 5.) None of the cited references, Mockesch, Sonoco, or Sieger, teaches or discloses, alone or in combination, applying a gas under pressure into the container against the bag during beverage dispensing to facilitate dispensing of the beverage from the bag.

Accordingly, it is requested that the rejection of claims 1 through 19 under 35 U.S.C. § 103(a) as being unpatentable over Mockesch in view of Sonoco and Sieger be withdrawn..

2. Rejection of Claims 1 through 27 under 35 U.S.C. § 103(a)

The Examiner rejects claims 1 through 27 under 35 U.S.C. § 103(a) as being unpatentable over Mockesch (U.S. Patent No. 4,256,150) in view of Sonoco (GB 2210865),

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Sieger (DE 3922799), and Pitts (U.S. Patent No. 3,527,021). The Applicants traverse this rejection and request reconsideration.

None of the cited references teaches or discloses the step of evacuating the container of air located between the container and the bag.

Pitts discloses an apparatus in which an air duct directs a stream of air toward a topmost folded bag to partially open the bag. As the bag opens, it becomes fully opened as its forward or outermost external surface is grasped by a vacuum engaging means incorporating a plurality of small holds through which air is drawn to open the bag. The bag is filled and, after an interval of time, the vacuum engaging means reciprocates on the means with a sliding motion, the sliding motion pulls the vacuum engaged bag sufficiently to tear the upper lip free of the wicket to permit the bag to be supported solely by the vacuum engaging means. (Column 2, lines 34 through 43.)

The vacuum engaging means of Pitts is unlike the claimed invention. The claimed invention does not use a vacuum to open the bag. In the claimed invention, the air located between the bag and the container is evacuated from the container prior to the inflation of the bag with an inert gas, the subsequent filling of the bag with beverage, and venting of the inert gas from the bag. (Specification, page 2, line 27, through page 3, line 8, and claims 5, 12, 20, and 105.)

The Examiner states “Pitts teaches that it was known in the art to inflate a bag by creating a vacuum on the exterior thereof. It would have been obvious to one of ordinary skill in the art at the time of invention to fill Mockesch’s bag with carbon dioxide by creating a negative

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pressure on the exterior thereof, rather than a positive pressure on the interior thereof.” (Office Action, pages 6-7.) However, the claimed invention does not use negative pressure to inflate the bag. As claimed and disclosed in the specification, the air located between the bag and the container is evacuated from the container prior to the inflation of the bag with an inert gas, the subsequent filling of the bag with beverage, and venting of the inert gas from the bag. (Specification, page 2, line 27, through page 3, line 8, and claim 105.)

Furthermore, one of ordinary skill in the art referring to Mockesch would not arrive at the method of the claimed invention. Mockesch discloses a method of filling a plastic bag in a pressure tank where the plastic bag is surrounded by a hose-like jacket and dropped into the pressure tank. (Column 1, lines 6 through 7, and column 2, lines 60 through 68.) As filling of the tank continues, the plastic bag is pulled steadily farther out of the jacket. (Column 3, lines 9 through 12.) The method of Mockesch is unlike that of the claimed invention in which the step of inflating the bag brings the bag into contact with the inside walls of the container. The inflation of the bag in Mockesch brings the bag into contact with the hoselike jacket. Also, Mockesch does not disclose inflating the bag prior to filling the bag with the carbonated beverage. Mockesch is not relevant in consideration of the claimed invention.

None of the cited references, alone or in combination, teaches or describes applying a gas under pressure into the container against the bag during beverage dispensing to facilitate dispensing of the beverage from the bag. Additionally, none of the cited references, Mockesch, Sonoco, Sieger, or Pitts, teaches or discloses, alone or in combination, evacuating the container of air prior to inflating a bag with an inert gas.

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Accordingly, it is requested that the rejection of claims 1 through 19 under 35 U.S.C. § 103(a) as being unpatentable over Mockesch in view of Sonoco and Sieger be withdrawn.

In view of the foregoing, it is submitted that this application is now in condition for allowance. Favorable consideration is requested.

Respectfully submitted,

19 March 2009
Date

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